

Message Text

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ORIGIN AF-18

INFO OCT-01 EUR-25 ADP-00 PC-15 CIAE-00 DODE-00 PM-07 H-02

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APPROVED BY P:AMB. PORTER

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L/AF:BKHUFFMAN

L/EB:HRGAITHER (SUBS)

L/MSCA:KMALMBORG (SUBS)

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S/S-O: JMEALUM

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R 120252Z JUL 73

FM SECSTATE WASHDC

TO AMEMBASSY KAMPALA

INFO AMEMBASSY KINSHASA

AMEMBASSY LONDON

AMCONSUL BUKAVU

AMEMBASSY NAIROBI

AMEMBASSY DAR ES SALAAM

AMCONSUL MONTREAL

AMEMBASSY BUJUMBURA

AMEMBASSY ADDIS ABABA

AMEMBASSY LAGOS

C O N F I D E N T I A L STATE 136157

E.O. 11652: GDS

TAGS: PFOR US UG CASC ETRN

SUBJECT: DETENTION OF PCVS

1. CHARGE SHOULD REQUEST EARLY APPOINTMENT WITH ACTING
FONMIN ETIANG AND DELIVER FOLLOWING THIRD PERSON NOTE:

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QTE... HAS THE HONOR TO REFER TO THE INCIDENT INVOLVING 111 VOLUNTEERS OF THE UNITED STATES PEACE CORPS WHICH BEGAN ON JULY 7 WHEN THE AIRCRAFT IN WHICH THEY WERE TRAVELING TO BUJUMBURA ENROUTE TO BUKAVU WAS ORDERED TO RETURN TO ENTEBBE, WHERE IT HAD JUST MADE AN AUTHORIZED REFUELING STOP, AND THE VOLUNTEERS WERE ARBITRARILY DETAINED WITHOUT CHARGES.

"THE DETENTION OF THE PEACE CORPS VOLUNTEERS, ALL OF WHOM ARE AMERICAN CITIZENS WITH VALID AMERICAN PASSPORTS, AND THEIR CONFINEMENT IN THE ENTEBBE AIRPORT LOUNGE DURING THE FIRST DAY AND NIGHT OF THEIR DETENTION ARE CONTRARY TO GENERALLY ACCEPTED PRINCIPLES OF STATE CONDUCT. THE FAILURE OF THE GOVERNMENT OF UGANDA TO PROVIDE TIMELY OFFICIAL NOTIFICATION OR EXPLANATION TO UNITED STATES DIPLOMATIC OR CONSULAR OFFICIALS ABOUT THE FACT OF OR THE BASIS FOR THE DETENTION RUNS CONTRARY TO WIDELY ACCEPTED PRACTICE OF STATES WITH REGARD TO EACH OTHER'S NATIONALS. HAD THE GOVERNMENT OF UGANDA CONSULTED AMERICAN EMBASSY OFFICIALS AT THE OUTSET OR HAD IT HEEDED THE INFORMATION PROVIDED TO UGANDAN OFFICIALS BY EMBASSY OFFICERS WHEN THEY EVENTUALLY LEARNED OF THE DETENTION, ANY MISAPPREHENSION CONCERNING THE REASONS FOR THE AIRCRAFT'S TECHNICAL STOP AT ENTEBBE OR THE IDENTITY AND DESTINATION OF THE PASSENGERS COULD HAVE BEEN DISPELLED AND THE MATTER SPEEDILY RESOLVED.

"THE GOVERNMENT OF UGANDA'S ACTIONS ALSO RUN COUNTER TO ITS OBLIGATIONS AS A PARTY TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION (CHICAGO CONVENTION). THIS CONVENTION, WHICH GOVERNS STATE CONDUCT IN CONNECTION WITH INTERNATIONAL CIVIL AVIATION, PROVIDES NO LEGAL BASIS FOR ACTIONS SUCH AS THOSE INITIATED BY THE GOVERNMENT OF UGANDA. SPECIFICALLY, ARTICLE 22 OF THE CONVENTION REQUIRES EACH CONTRACTING STATE "TO FACILITATE AND EXPEDITE NAVIGATION BY AIRCRAFT BETWEEN THE TERRITORIES OF CONTRACTING STATES, AND TO PREVENT UNNECESSARY DELAYS TO AIRCRAFT, CREWS, PASSENGERS AND CARGO." ALTHOUGH ARTICLE 16 PERMITS A SEARCH TO BE MADE OF THE AIRCRAFT, THIS RIGHT IS SUBJECT TO THE LIMITATION

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THAT THE SEARCH BE "WITHOUT UNREASONABLE DELAY," AND PROVIDES NO BASIS FOR TERMINATION OF THE FLIGHT.

"ANNEX 9 TO THE CHICAGO CONVENTION SETS FORTH INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES GOVERNING THE ENTRY AND DEPARTURE OF INTERNATIONAL CIVIL AIRCRAFT, PASSENGERS AND CREW. THE ACTIONS BY THE GOVERNMENT OF UGANDA REFLECTED A COMPLETE DISREGARD FOR THE

PROVISIONS OF THIS ANNEX AND VIOLATED IT IN NUMEROUS WAYS.

"FINALLY, THE ACTIONS BY THE GOVERNMENT OF UGANDA CONTRAVENE THE FEBRUARY 10, 1972, RESOLUTION OF THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, WHICH UGANDA AS A COUNCIL MEMBER SUPPORTED, WHICH "URGES STATES TO REFRAIN FROM ANY ACT LIKELY TO INTERFERE WITH THE PASSAGE OF AIRCRAFT ENGAGED IN INTERNATIONAL CIVIL AIR TRANSPORT OR WITH THE LIBERTY OF THEIR PASSENGERS AND CREW WHEN SUCH AIRCRAFT, PASSENGERS AND CREW COMPLY WITH THE PROVISIONS OF THE CHICAGO CONVENTION AND ITS ANNEXES AND NATIONAL LAWS AND PUBLISHED REGULATIONS."

"THE EMBASSY HAS BEEN INSTRUCTED TO PROTEST IN THE STRONGEST TERMS THESE ACTIONS OF THE GOVERNMENT OF UGANDA CONTRARY TO INTERNATIONAL LAW AND PRACTICE AND TO REQUEST A FULL EXPLANATION. UNQTE.

2. IN ADDITION TO MAKING POINTS COVERED IN WRITTEN PROTEST, CHARGE IN ORAL PRESENTATION TO ETIANG SHOULD REFER TO OUR CONSTANT EFFORTS TO MAINTAIN GOOD BILATERAL RELATIONS. UNFORTUNATELY PRESIDENT AMIN HAS A TENDENCY TO ACCEPT AS FACT WHOLLY ERRONEOUS OR FABRICATED REPORTS ABOUT ACTIVITIES OF USG AND AMERICAN CITIZENS, SUCH AS THE UNFOUNDED ALLEGATIONS THAT 111 PCVS WERE MERCENARIES AND THAT AMERICANS HAVE ESTABLISHED 22 SECTS IN UGANDA IN LAST TWO YEARS. WE WOULD LIKE TO BE ABLE TO DISCUSS SUCH REPORTS WITH UGANDAN GOVT BEFORE THEY GIVE RISE TO FALSE ACCUSATIONS ABOUT US. WE CONVINCED THAT, AS IN CASE OF PCVS, ONCE WE ABLE ESTABLISH TRUE FACTS WITH UGANDAN GOVT, MATTER CAN BE RESOLVED. THIS WOULD REQUIRE, OF COURSE, A WILLINGNESS ON PART UGANDAN GOVT TO WITHHOLD JUDGMENT AND ALLOW US PRESENT FACTS AS WE SEE THEM. WE
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HOPE THAT IF UGANDAN GOVT SHARES OUR WISH FOR NORMAL RELATIONS IT WILL IN FUTURE SHOW RESTRAINT REQUIRED BY PRINCIPLES OF INTERNATIONAL LAW AND THUS ALLOW IMPROVEMENT IN OUR RELATIONS.
ROGERS

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